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15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 ROBERTO VERTHELYI, on behalf  
18 of himself and all others similarly  
19 situated,

20 Plaintiff,

21 v.

22 PENNYMAC MORTGAGE  
INVESTMENT TRUST; PNMAC  
23 CAPITAL MANAGEMENT, LLC,

24 Defendants.

Case No. 2:24-cv-05028-MWF

**DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT  
OF THEIR REPLIES IN SUPPORT  
OF MOTIONS TO DISMISS  
PLAINTIFF'S COMPLAINT**

Hearing Date: Nov. 18, 2024

Time: 10:00 a.m.

Place: Courtroom 5A

Judge: Michael W. Fitzgerald

1 In support of their concurrently-filed Replies in Support of Their Motions to  
2 Dismiss, Defendants PennyMac Mortgage Investment Trust and PNMAC Capital  
3 Management, LLC (collectively, “Defendants”) respectfully request that the Court  
4 consider one document: the Adjustable Interest Rate (LIBOR) Act of 2021, H.R. Rep.  
5 No. 117-206, pt.1 (2021). A court may take judicial notice of documents outside the  
6 pleadings if: (1) the complaint refers to such documents; (2) the documents are “central  
7 to the plaintiff’s claim”; and (3) “no party questions the authenticity” of the copies  
8 attached to the Rule 12(b)(6) motion. *United States v. Corinthian Colls.*, 655 F.3d 984,  
9 999 (9th Cir. 2011); *see also Branch v. Tunnell*, 14 F.3d 449, 454 (9th Cir. 1994)  
10 (“[D]ocuments whose contents are alleged in a complaint and whose authenticity no  
11 party questions, but which are not physically attached to the pleading, may be considered  
12 in ruling on a Rule 12(b)(6) motion to dismiss.”). Additionally, “[c]ourts may take  
13 judicial notice of ‘[p]ublic records and government documents available from reliable  
14 sources on the Internet such as websites run by governmental agencies.’” *Maxon v.  
15 Fuller Theological Seminary*, 549 F. Supp. 3d 1116, 1122 (C.D. Cal. 2020) (citation  
16 omitted).

17 The attached document is appropriate for judicial notice. Plaintiff's opposition to  
18 the motion to dismiss relies extensively on selective quotes from the legislative history  
19 of the LIBOR Act. Defendant's reply includes a fuller history. “[A] court may properly  
20 take judicial notice of legislative history[.]” *Rodriguez v. Ford Motor Co.*, No. 3:23-CV-  
21 00598-RBM-JLB, 2024 WL 1223485, at \*4 (S.D. Cal. Mar. 21, 2024) (quoting *Stone v.*  
22 *Sysco Corp.*, No. 16-CV-01145-DAD-JLT, 2016 WL 6582598, at \*4 (E.D. Cal. Nov. 7,  
23 2016)).

25 | Dated: November 4, 2024      Respectfully submitted,

*/s/ Matthew Donald Umhofer*  
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